

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil No. 05-10401-RCL
	)	
	)	
DELIA J. BAEZ,	)	
Defendant	)	
_____	)	

**APPLICATION FOR ENTRY OF DEFAULT**

Plaintiff United States of America hereby applies, pursuant to Rule 55(a), Federal Rules of Civil Procedure, for entry of default against defendant Delia J. Baez.

1. This is an action brought pursuant to the False Claims Act, 31 U.S.C. § 3729 et seq., and under the common law for fraud, unjust enrichment, and payment by mistake of fact.

2. This action was commenced on March 2, 2005. The defendant was served the summons and complaint by hand delivery on March 15, 2005, pursuant to Rule 4(e)(2), Federal Rules of Civil Procedure.

3. Rule 12(a), Federal Rules of Civil Procedure, allows the defendant 60 days after service of the summons and complaint to file an answer or other response. More than 60 days have elapsed since service of the summons and complaint, and, to date, the defendant has not filed an answer, other response, or appearance.

4. Attached is the Sworn Statement of Christine Devries regarding the payment to the defendant of \$12,282 in transitional assistance and food stamps, and the Sworn Statement of Patricia Purcell regarding the payment of \$8,807 to Baez in Medicaid assistance, "Mass Health

Benefits.” The amount of the housing subsidies paid to Baez by the plaintiff was \$25,519, and is set forth in the complaint, ¶ 6.

4. This Application is supported by the Declaration of Anita Johnson, together with three exhibits.

WHEREFORE, the plaintiff respectfully requests that default be entered against the defendant.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Anita Johnson  
ANITA JOHNSON  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way - Suite 9200  
Boston, Mass. 02210  
(617)748-3282

DATED: August 16, 2005

# **ATTACHMENT 1**

## STATEMENT

Place: 600 Washington St. Boston, MA 02111Date and Time: July 5, 2005 1000

I, Christine Devries, make the following statement freely and voluntarily to Special Agent Chris Robinson, who has identified himself to me as a Special Agent of the Office of Inspector General, United States Department of Agriculture, knowing that this statement may be used in evidence.

My full name is Christine Devries. I reside at 308 Providence Rd. Lynnwood, MA. I am employed as a(n) Supervisor of and currently work at MOTA for approximately 10 years. Fraud, Overpayment, Referral Screening Unit

I am the Supervisor of the Fraud, Overpayment, Referral Screening Unit of the Massachusetts Department of Transitional Assistance. I have been the Supervisor of this unit for approximately 10 years. I was provided with information by the Massachusetts Bureau of Special Investigations regarding Delia Baez and a time period of September 2002 through May 2004 of alleged fraud. I reviewed the overpayment calculation for Delia Baez and discovered that Baez received \$9,320 in Transitional Aid to Families with Dependent Children and \$2,962 in Food Stamps during the time period of September 2002 through May 2004. I was informed by Special Agent Robinson that the \$9,320 in Transitional Aid and the \$2,962 in Food Stamps were paid entirely with Federal funds. In total, Delia Baez received \$12,282 in overpayments in the form of Transitional Aid and Food Stamps from the Massachusetts Department of Transitional Assistance.

CR  
CD

## STATEMENT (Continuation)

I was able to determine these amounts based on records kept by the Massachusetts Department of Transitional Assistance Beacon Computer system.

I Christine Devries have read this statement consisting of 2 pages and it is true and correct. I have initialed each page and have been given the opportunity to make any corrections or additions.

I Christine Devries swear, under the penalty of perjury, that the foregoing statement is true and correct to the best of my knowledge, on this 5th day of July 2005.

Christine Devries

(Signature of Affiant)

07/05/2005

(Date)

1005

(Time)

Witness(es):

Chris Robinson

Special Agent, USDA-OIG

07/05/2005

(Date)

1005

(Time)

# **ATTACHMENT 2**

## STATEMENT

Place: 600 Washington St. Boston, MA 02111Date and Time: July 5, 2005 0900

I, Patricia Purcell, make the following statement freely and voluntarily to Special Agent Chris Robinson, who has identified himself to me as a Special Agent of the Office of Inspector General, United States Department of Agriculture, knowing that this statement may be used in evidence.

My full name is Patricia Purcell. I reside at 15 Kingsbury St. Derry, NH 03038. I am employed as a(n) Program Coordinator and currently work at Office of Medicaid, EOHHS for approximately 23 years.

I have been a Program Coordinator for 23 years and a member Fraud Coordinator for approximately 3 years of the Office of Medicaid, Executive Office of Health and Human Services. In regard to Delia Baez, I was informed by the Massachusetts Bureau of Special Investigations that Baez was categorically ineligible for Transitional Aid to Families with Dependant Children benefits from September 2002 until May 2004. Because Baez was ineligible for TAFDC benefits, Baez was categorically ineligible for Mass Health Benefits. Upon review, payments were made on behalf of the Baez household totaling \$17,614, of which, half is paid for by the Federal Government totaling \$8,807. I was able to determine this amount based on the records kept by the Medicaid Management Information Systems Claims History for Delia Baez.

CR  
lp

STATEMENT (Continuation)

*[A large handwritten 'X' is drawn across the lined area of the statement.]*

I Patricia Purcell have read this statement consisting of 2 pages and it is true and correct. I have initialed each page and have been given the opportunity to make any corrections or additions.

I Patricia Purcell swear, under the penalty of perjury, that the foregoing statement is true and correct to the best of my knowledge, on this 5th day of July 2005.

Patricia Purcell  
(Signature of Affiant)

07/05/2005  
(Date)

0915  
(Time)

Witness(es):

Chris Robinson  
Special Agent, USDA-OIG

07/05/2005  
(Date)

0915  
(Time)